

Meeting	Planning Committee A
Date	9 June 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Doughty, Kilbane, Fisher, Looker, Waudby, Baker (Substitute for Cllr D'Agorne) and Widdowson (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Jonathan Kenyon (Development Management Officer) Heidi Lehane (Senior Solicitor) Alison Stockdale (Development Management Officer) Ian Stokes (Development Control Engineer)
Apologies	Councillors Barker, Melly and D'Agorne

---

**1. Declarations of Interest 16:30**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Looker declared a personal interest in Agenda Item 4 b [Clifton Park Treatment Centre NHS North Yorkshire and York, Bluebeck Drive, York [22/00192/FUL] as a patient at the hospital. Cllr Fisher declared a non prejudicial interest in that item as he knew a surgeon at the hospital and Cllr Ayre also declared a non prejudicial interest in that item following a consultancy at the hospital. No further interests were declared.

**2. Minutes 16:34**

Resolved: That the minutes of the last Planning Committee meeting held on 5 May be approved and then signed by the chair as a correct record.

### **3. Public Participation**

**16:35**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

### **4. Plans List**

**16:36**

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

#### **2a) Development Site Hospital Fields Road and Ordnance Lane York [21/02573/FULM]**

**16:37**

Members considered a major full application from City Of York Council for the demolition of existing buildings, alterations to 'The Married Quarters Building', and erection of new buildings to provide 85 residential dwellings (Use Class C3), 457sqm of commercial/business floorspace (Use Class E) and 152sqm of community floorspace (Use Class F1/F2) with associated ancillary development at Development Site Hospital Fields Road and Ordnance Lane, York.

The Development Management Officer gave an update on the application advising Members of comments from one of the registered speakers received by email on 9 June 2022 and of updates to Condition 3 (affordable housing) and Condition 23 (landscape). Concerning the registered speaker's concerns regarding the blocking of sunlight over Ambrose Street, Members were informed that the Applicant had undertaken an assessment based on BRE guidelines concluded that the building would have no effect on the rear of Ambrose Street. Therefore the conclusions in the report remained, that the impact on neighbour's amenity was acceptable and not grounds for refusal. Following the committee update, the Head of Planning and Development Services gave a presentation on the application.

#### Public Speakers

Christopher Ranger spoke in objection to the application on behalf of Fishergate, Fulford and Heslington Local History Society. He explained that York had a long military history and he feared that the determination may

set a precedent in demolishing historical properties. He suggested that it would be more sustainable to retain the buildings. At the request of a Member, Officers demonstrated the buildings to be demolished and Mr Rainger was asked and explained the heritage value of those buildings.

Michael Wills spoke in objection to the application on behalf of Fishergate Planning Panel. He explained that the panel could not support the lack of car parking spaces on the site, noting the impact of this on neighbouring streets. He added that there were no EV charging points and asked where the cars would park.

Andrew Knights, a local resident, spoke in objection to the application noting that he was one of 23 people who had raised an objection based on the loss of light. He explained that his house extension on Ambrose Street was not shown on the plans and that the planning documents did not show how high the new building would be.

Andy Shrimpton spoke in support of the application noting that the best quality buildings on the site were being retained and retrofitted. He noted that the buildings being demolished would provide 18 passivhaus homes. In response to questions from Members he noted that regarding car parking, the residents on the site would be car free and that there would be car parking provision as part of the respark scheme.

Rob Ainsley spoke in support of the application on behalf of York Cycle Campaign noting that the campaign was excited that it was a car free development. He added the provision of cycle parking would establish York as a great place to live without a car.

Cllr D'Agorne, Fishergate Ward Councillor, spoke in support of the application. He welcomed the application as an exemplar of a carbon free development with local amenities within walking distance. He noted that it was a green development that allowed for a new pedestrian/cycle street and he added that the mitigations for parking had been made. In response to Member questions noted that:

- Car parking was a pressure from the growth in car ownership by students in the area, and resident and commuter parking.
- The respark scheme would address the parking concerns of Fishergate Planning Panel.

Michael Jones (City of York Council Housing Delivery team representative) spoke in support of the application on behalf of the Applicant, City of York Council. He advised that the application formed part of the housing delivery programme and that there had been several years of close collaboration between local residents and businesses. He explained the layout of the

neighbourhood noting that the application proposed 40% affordable which if approved would lead to an application for a grant to take affordable housing to 60%. In answer to questions raised by Members he and colleagues explained that:

- The EV charging policy was developed in line with CYC policy and the EV charging points would benefit residents in the development and local area.
- The play spaces were outlined and it was confirmed that the areas with play equipment would be timber based play.
- Regarding the maintenance of play equipment, the majority of public spaces were to be adopted.
- The access to the deck was controlled to residents of those blocks only.
- The gangway next to the married quarter would be a lightweight steel structure and there would be cycle storage under the walkway.
- The light assessment was carried out using BRE guidance and a third party light consultant was used and found that the light was within BRE guidance.
- Regarding the concerns raised by the resident in Ambrose Street, the Development Management Officer clarified that the single storey doors on the extension did not back onto the proposed development. It was noted that a further BRE assessment had concluded that the development was within BRE guidance. He was asked and clarified the BRE guidance and that the survey was done on the entire garden.
- The aspiration for the site was to be car free and there were cargo bikes to hire for free as well as cycle parking. There was some car parking on the site and the car parking provision was based on council policy.
- The car parking permit scheme was explained and it was clarified that the detail of the car parking strategy and respark were yet to be confirmed.
- The carbon cost of the demolition was complex and the houses proposed for demolition were of poor quality internally.
- If retained, the arts and crafts house would have impact on the scheme. This option had been considered and because of its location retaining it would reduce the number of homes by 12 and it would not be possible to get an east west route through the site.
- Officers were working with the building services team on the plan for the maintenance of the ventilation system.
- It was not known how the socially rented properties would stay in the social housing sector.
- The number of cycle parking spaces was above the number required by CYC policy.

- Regarding soakaway it was confirmed that there needed to be a 60% reduction in soakaway.
- It was confirmed that the exclusions around properties being able to apply for parking permits was not related to tenure.

[The meeting adjourned from 6.00pm to 6.05pm].

Following the meeting adjournment, the Chair confirmed that there was 280 cycle spaces on the site.

In response to Member questions, Officers clarified that:

- What schools pupils from the development attended was dependent on the school catchment areas.
- Concerning parking concerns, the Frederick House student accommodation development and this development brought different parking problems. It was explained how car usage and demand were calculated and how parking could be managed by residents parking schemes.
- The funding of parking permits for residents could be for up to 5 years.

The Chair moved the officer recommendation to approve the application. This was seconded by Cllr Baker. The Head of Planning and Development Services clarified that it would not be reasonable to provide car parking for the development in a CYC car park. On being put to the vote, 9 Members voted against the motion and there was one abstention. Therefore the motion fell.

Cllr Ayre moved approval of the application with updated conditions 3 and 23 and Condition 24 amended to include residents' permits to be proportionate, the working of this to be agreed by Officers, Chair and Vice Chair. This was seconded by Cllr Widdowson. Members voted 6 in favour of the motion, two against and two abstentions and it was therefore:

Resolved: That the application be approved subject to the conditions listed in the report, updated conditions 3 and 23 below and Condition 24 amended to include residents permits to be proportionate, the working of which to be agreed by Officers in conjunction with the Chair and Vice Chair:

Updated Condition 3: affordable housing (point 3) – add “where relevant” to the requirement, as some of the affordable housing will be shared ownership.

Updated Condition 23: landscape – delete reference to urbed drawings (which have been superseded).

Reason:

- i. The social and environmental objectives of the NPPF are as follows –
  - a) social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - b) environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- ii. The scheme meets these objectives. It proposes residential lead development within a setting designed to encourage recreation and social interaction, taking into consideration the public realm and the community uses proposed within the buildings. 40% of the homes will be affordable. In respect of health and moving to a low carbon economy the proposed homes will exceed optional national space standards and target Passivhaus standards that latter significantly exceeds local or national energy efficiency requirements. There will biodiversity net gain on-site and a significant increase in the number of trees on-site. These benefits weigh strongly in favour of the scheme and justify the demolition proposed.
- iii. The NPPF requires, as set out in paragraph 11d, this development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the Framework taken as a whole.
- iv. The adverse effects identified are the demolition of existing buildings and potential effects on surrounding streets in respect of car parking. The demolition is justified due to housing need the environmental quality of the proposed homes and a reasonable

scheme of mitigation has been identified to manage on street car parking. There are no adverse effects which justify refusal of the scheme.

v. Conditions will secure provision of the following items, which would normally be secured through a planning obligation, because the council is the landowner.

- Affordable housing
- Education
- Open space and sports provision
- Residents parking – funding for Traffic Regulation Orders for residents parking at this site and towards establishment at residents parking on streets to the north

[Cllr Baker left the meeting at 6.35pm]

[The meeting adjourned from 6.35pm to 6.40pm]

**2a) Clifton Park Treatment Centre NHS North Yorkshire and York, Bluebeck Drive, York YO30 5RA [22/00192/FUL] 18:40**

Members considered a full application from Ramsay Health Care UK Ltd for the installation of temporary theatre unit, storage cabin and additional car parking at Clifton Park Treatment Centre NHS North Yorkshire and York Bluebeck Drive, York.

The Development Management Officer gave an update on the application noting comments from the Flood Risk Manager, additional condition 11 and amendments to conditions 2 and 4. The Head of Planning and Development Services then gave a presentation on the application.

In response to Member questions Officers confirmed that:

- 36 car parking spaces had been gained on the site and these were needed for throughput for the theatre unit. There had also been a lack of car parking spaces on the site.
- The facility would be used by NHS York and would be maintained by Ramsay Healthcare.
- There were already disabled car parking spaces on the site and take up of these were low.
- The land the car park was being built on was clay and it would be built on a retention tank. There was also a hydro drain.

- The car park was to be made out of permeable tarmac and water would drain through to a retention layer. There would also be lighting controlled by a timer which would turn off when the hospital was closed.
- The lighting would be downward lighting.
- When the development was finished it would be returned to its original state.
- The protection of hedgehogs was not included as an informative as hedgehogs were not included in the countryside act.
- The area for car parking would be classed as green belt.
- The Head of Planning and Development Services clarified that it would not be reasonable to condition to restrict the use of the theatre unit to the NHS.

Steve Daniels and Andy Holt were in attendance at the meeting to answer questions on behalf of the applicant. They confirmed that the Ramsay Health were paying for the carpark and the rest by the NHS.

Following debate Cllr Looker moved the officer recommendation to approve the application, with additional condition 11 and amendments to conditions 2 and 4 as detailed in the officer update. This was seconded by Cllr Doughty. Members voted 5 in favour of the motion, with two against and two abstentions. It was therefore:

Resolved: That the application be approved subject to the conditions listed in the report and condition 11 and amendments to conditions 2 and 4:

Additional condition 11: Prior to first occupation, the suitability of the proposed surface water outfall, the means of surface water disposal shall be ascertained by way of site specific CCTV drainage survey, to its discharge point to watercourse to the satisfaction of the local planning authority. If the outfall is proven to be suitable, surface water drainage shall be carried out in accordance with the submitted drainage strategy detailed on plan – Proposed Drainage Layout - Re: 228000-BGP-01-00-DR-D-52-130 Revision FC dated 30th May 2022 by Billingham George & Partners. Unless otherwise approved in writing by the Local Planning Authority, the development will be implemented in strict accordance with the details thereby approved.



Reason: To ensure that the site can be safely and effectively drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

Amended Condition 2: The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

Proposed site plan 6687-P04 F

Proposed ground floor plan 6687-P05 E

Proposed elevations 6687-P06 A

Portastore elevations PSN6-171

Tree protection plan BA11219TPP P

Biodiversity enhancement plan (Dryad Ecology Dated May 2022)

Bird protection plan

Proposed Drainage Layout - Re: 228000-BGP-01-00-DR-D-52-130 Revision FC dated 30th May 2022 by Billingham George & Partners

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Amended Condition 4: The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Reason:

- i. The above report outlines how the proposed development, subject to conditions, can be compliant with the NPPF with regards to impacts upon the highway network, sustainable travel, biodiversity, flood risk and drainage.

- ii. At present the site is considered to be within the general extent of the Green Belt. As a result the proposal is considered inappropriate by definition. Further harm has been identified as a result of the impact on openness of the new building and the proposed car park. The car park introduces development, albeit in a relatively modest form, into an area previously undeveloped and will therefore cause harm to the Green Belt purpose of safeguarding the countryside from encroachment.
  
- iii. Paragraph 148 of the NPPF requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. These other considerations take the form of a known and urgent need for additional operating theatre capacity to address NHS waiting lists as a result of the Covid 19 pandemic. It is considered that this provides the justification to clearly outweigh the harm through inappropriateness, and other identified harm, as required by paragraph 148. The application is recommended for approval subject to planning conditions.

## **5. Planning Appeal Performance and Decisions**

**19:07**

The Development Manager presented a report which provided information on the planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2022.

In response to questions from Members, Officers clarified that the policy for rendering buildings did not need to be reviewed.

Resolved: That the report be noted.

Reason: To keep Members informed of the current position of planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr Cullwick, Chair

[The meeting started at 4.30 pm and finished at 7.11 pm].